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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 303

EDWARD WILLIAMS,

Petitioner,

vs.

JOHN J. GOLDEN, MARSHAL, CITY OF ST. LOUIS.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF MISSOURI AND BRIEF IN SUPPORT THEREOF.

ROBERT W. HALL,
J. A. GOCHENOUR,
Counsel for Petitioner.

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JOHN J. GOLDEN, MARSHAL, CITY OF ST. LOUIS.

Respondent.

PETITION FOR WRIT OF CERTIORARI.

May It Please the Court:

Your petitioner Edward Williams respectfully presents to this Honorable Court this his petition for writ of certiorari to be directed to Supreme Court of Missouri directing said court and clerk thereof to certify to this Court the transcript of record and proceedings in this cause in said court wherein this petitioner was the petitioner in an application for writ of habeas corpus in said court and respondent here was respondent in said court, together with the opinion of said court, for review and determination of said cause by this Court.

Your petitioner presents herewith a certified copy of record in said Supreme Court of Missouri.

Summary Statement of the Matter Involved.

On August 10, 1938, petitioner was arrested by the police of the City of St. Louis and held under an information (R. 6) charging him with violation of Ordinance No. 40996 (R. 6) of the City of St. Louis.

This ordinance makes it unlawful for any person, organization, society, association, or corporation to "solicit in money, donation of money, property or financial assistance of any kind, to sell or offer to sell any article, tag service, emblem, publication, ticket, advertisement, subscription, or anything of value on the plea or representation that said sale or solicitation or the proceeds thereof is for a charitable, religious, patriotic or philanthropic purpose" unless a permit is obtained from the commission as established by said ordinance.

While the petitioner was in custody of respondent John J. Golden, Marshal of the City of St. Louis, a writ of habeas corpus attacking the validity of the ordinance was filed in the Supreme Court of Missouri. The writ was granted June 6, 1939, and the cause ordered set for the September Term, 1939. The respondent duly filed his return and the matter was submitted to the court on briefs September 8, 1939. The Supreme Court of Missouri decided the matter only on the points of law raised and no testimony was introduced.

The opinion of the Supreme Court of Missouri in determining the constitutionality of the ordinance construed the ordinance as not being in conflict with the Fourteenth Amendment of the United States Constitution and in its opinion declared the ordinance constitutional (R. 6). In so holding the Supreme Court failed to take in consideration the latest applicable decisions of this Court.

Reasons Relied on for the Allowance of the Writ.

The Supreme Court of Missouri held the ordinance of the City of St. Louis, pleaded in plaintiff's petition for writ of habeas corpus, did not violate the Fourteenth Amendment of the Constitution of the United States.

This holding raised a Federal question and decided it in a way not in accord with the applicable decisions of this Court.

Petitioner contends that the decision of the Supreme Court of Missouri is contrary to the latest rulings of this Court and that if said decision is allowed to stand the liberty of this defendant and others in position similar to his is in jeopardy.

Wherefore, your petitioner respectfully prays that a writ of certiorari may be issued out of and under the seal of this Court directed to the Supreme Court of Missouri commanding that court to certify and send to this Court for its review and determination, on a day certain to be therein named, a full and complete transcript of the record and all proceedings in the case known and entitled on its docket as No. 36727, Ex Parte Edward Williams, petitioner, vs. John J. Golden, Marshal of the City of St. Louis, respondent; that said judgment of the Supreme Court of Missouri may be reversed by this Honorable Court and that this petitioner may have such other and further relief in the premises as to this Honorable Court may seem meet and proper.

ROBERT W. HALL,
J. A. GOCHENOUR,
Counsel for Petitioner.